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03-005	January 22, 2003

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Publication Title	Publication Number
Jurisdiction Over State Highways Within Cities Instructional Letter	IL 4053.00
Originating Organization Engineering and Regional Operations Division, Environmental and Engineering Programs, and Highways and Local Programs Division	

**Remarks and Instructions**

**New Instructional Letter**

The attached new Instructional Letter is distributed to the organizations listed above, holders of the *Design Manual M 22-01*, and holders of the *Local Agency Guidelines (LAG) Manual M 36-63*. *Design Manual M 22-01* holders are also receiving an updated Letter's List.

This new Instructional Letter clarifies responsibility for design elements on state highways within the limits of incorporated cities and towns. It modifies language in the following Washington State Department of Transportation (WSDOT) manual chapters:

1. *Design Manual M 22-01*: Chapters 325, 330, 440, 640, and 700
2. *Local Agency Guidelines (LAG) Manual M 36-63*: Chapter 43.1

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**continued...**

Distributed By Lynn Hicks, Manager, Directional Documents and Publications	Phone Number (360) 705-7433	Signature
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Continuation of Remarks and Instructions

### Team Effort

This Instructional Letter is the result of efforts by representatives from local agencies and WSDOT offices. This interdisciplinary team achieved a compromise that satisfies all parties. The team members include:

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Shane DeWald	City of Seattle
Jim Ellison	Pierce County
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/s/ Don Nelson  
Don Nelson, Director  
Environmental and Engineering Programs

Effective Date: January 22, 2003  
Expiration Date: January 21, 2004

## **Jurisdiction Over State Highways Within Cities**

### **I. Introduction**

#### **A. Purpose**

This Instructional Letter clarifies design policy, and the language in both the Washington State Department of Transportation's (WSDOT's) *Design Manual*, M 22-01 and *Local Agency Guidelines*, M 36-63 regarding responsibility for design elements on state highways within the limits of incorporated cities and towns.

#### **B. Impact on Existing Directional Documents**

This Instructional Letter provides specific revisions to the *Design Manual*, M 22-01, issued September 2002, and to the *Local Agency Guidelines*, M 36-63, issued September 2002.

### **II. Scope**

The guidance in this Instructional Letter applies to all state highways within incorporated cities and towns. The design policy clarification and the resulting manual revisions are permanent. It is management's intent to publish the manual revisions prior to the expiration date of this Instructional Letter.

### **III. Design Responsibility for Projects within Cities and Towns**

Uncertainty currently exists regarding which agency (WSDOT, a city, or town) is responsible for designing road-side elements (primarily those outside of the curb) for managed access highways within cities and towns. The following guidance is

in accordance with the Revised Code of Washington (RCW) 47.24.020(2), *Jurisdiction, control*, and clarifies jurisdiction for managed access highways within incorporated cities and towns. Note: all highways that are not classified as limited access are managed access highways.

WSDOT continues to have jurisdictional responsibility for limited access highways. This is not a change from current design policy. However, WSDOT has adopted the following design policies to clarify jurisdictional responsibilities for managed access highways within incorporated cities and towns:

- This guidance on jurisdictional responsibilities applies to the design of all managed access state highways within incorporated cities and towns, regardless of population.
- Design responsibilities are divided at the curb line. Cities have design responsibility outside the curb and WSDOT has design responsibility for the curbs and the entire area between the curbs.
- Cities, towns, and WSDOT have financial responsibilities commensurate with their design responsibility.
- Where no curb exists, cities have design responsibility for the area outside of paved shoulders, and WSDOT has design responsibility for the paved shoulders and the entire area between the paved shoulders. The paved shoulder width varies depending on the type of facility, but will be no more than 10 feet. See *Design Manual*, M 22-01, Chapter 440.
- Cities and towns must follow the *Design Manual*, M 22-01 guidance when taking the lead in designing elements within the curbs or edges of paved shoulders. Design documentation must meet the requirements specified in the *Design Manual*, M 22-01.
- *City and County Design Standards* as defined by Chapter 35.78 RCW, *Streets -- Classification and design standards* and contained in the *Local Agency Guidelines*, M 36-63 determine current design standards for elements outside of curbs or edges of paved shoulders. Chapter 35.78 RCW specifies approval authority for deviations of design elements outside of curbs or edges of paved shoulders rather than WSDOT Headquarters (HQ) Design Office or a WSDOT Region.

- Any deviation from the approved WSDOT design guidance for elements inside the curbs or edges of paved shoulder must be approved by the WSDOT HQ Design Office or a WSDOT Region Design Office as specified in the *Design Manual*, M 22-01.
- The design for elements to be maintained by a city, town, or WSDOT must be approved by the agency that is responsible for maintenance of those elements.
- WSDOT has jurisdiction for the design of medians within incorporated cities and towns.
  - Design elements proposed by the cities and towns for median treatments can be negotiated as appropriate.
  - The negotiated designs are not considered deviations, but must be documented under an approved process.
  - Additional costs for median elements introduced by cities and towns through negotiation, and agreed to by WSDOT, are usually the financial responsibility of the city or town. Address funding responsibilities for negotiated design elements in the funding agreement.
  - Negotiated design agreements must address responsibility for maintenance of the negotiated designs.

The following manual changes have been developed to support implementation of the above design policies.

## **A. Revisions to the Design Manual**

### **1. Chapter 325, Design Matrices 3 and 5**

Add note 18 to the “Clear Zone” column heading of both matrices. Add the following text to the footnote list.

(18) On managed access highways within the limits of incorporated cities and towns, *City and County Design Standards* apply to areas outside the curb or outside the paved shoulder where no curbs exist.

## 2. Chapter 330

Replace Figure 330-1 as follows:

Project Design	FHWA Oversight Level	Deviation and Corridor/Project Approval <sup>(f)</sup>	EU Approval	Design Approval
<b>Interstate</b>				
New/Reconstruction <sup>(e)</sup> <ul style="list-style-type: none"> <li>Federal funds</li> <li>No federal funds</li> </ul>	(a) (b)	FHWA	Region	FHWA
Intelligent Transportation Systems (ITS) over \$1 million	(c)	HQ Design	Region	HQ Design
All Other <sup>(d)</sup> <ul style="list-style-type: none"> <li>Federal funds</li> <li>State funds</li> <li>Local agency funds</li> </ul>	(c) (c) (b)	HQ Design	Region	Region
<b>National Highway System (NHS)</b>				
Limited access highway or outside cities and towns	(c)	HQ Design	Region	Region
Managed access highway within cities and towns <sup>(g)</sup> <ul style="list-style-type: none"> <li>Inside curb or EPS<sup>(h)</sup></li> <li>Outside curb or EPS</li> </ul>	(c) (c)	HQ Design HQ H&LP	Region N/A	Region City/Town
<b>Non-National Highway System (Non-NHS)</b>				
New/Reconstruction on limited access highway or outside cities and towns	N/A	HQ Design	Region	Region
New/Reconstruction on managed access highway within cities and towns <sup>(g)</sup> <ul style="list-style-type: none"> <li>Inside curb or EPS<sup>(h)</sup></li> <li>Outside curb or EPS</li> </ul>	N/A N/A	HQ Design HQ H&LP	Region N/A	Region City/Town
All Other on limited access or outside cities and towns	N/A	Region <sup>(i)</sup>	Region	Region

<b>Project Design</b>	<b>FHWA Oversight Level</b>	<b>Deviation and Corridor/Project Approval<sup>(f)</sup></b>	<b>EU Approval</b>	<b>Design Approval</b>
All Other on managed access highway within cities and towns <sup>(g)</sup> <ul style="list-style-type: none"> <li>• Inside curb or EPS<sup>(h)</sup></li> <li>• Outside curb or EPS</li> </ul>	N/A N/A	Region HQ H&LP	Region N/A	Region City/Town

FHWA = Federal Highway Administration  
 HQ = WSDOT Headquarters  
 H&LP = WSDOT Highways and Local Programs Office  
 EPS = Edge of paved shoulder where curbs do not exist

- (a) Requires FHWA review and approval (full oversight) of design and PS&E submitted by HQ Design
- (b) To determine the appropriate oversight level, FHWA reviews the Project Summary (or other programming document) submitted by HQ Design, or by WSDOT Highways and Local Programs through HQ Design
- (c) FHWA oversight is accomplished by process review. (See 330.08)
- (d) Reduction of through lane or shoulder widths (regardless of funding) requires FHWA review and approval of the proposal
- (e) See Chapter 325 for definition.
- (f) These approval levels also apply to deviation processing for local agency work on a state highway.
- (g) Applies to the area within the incorporated limits of cities and towns
- (h) Includes raised medians
- (i) HQ Design must approve access deviations

**Design Approval Level**  
*Figure 330-1*

### **3. Chapter 440**

Replace paragraph 440.06(2), *State Highways as City Streets*, with the following:

When a state highway within an incorporated city or town is a portion of a city street, the design features must be developed in cooperation with the local agency. For facilities on the NHS, use the design criteria in this manual as the minimum for the functional class of the route. For facilities not on the NHS, the *Local Agency Guidelines*, M 36-63 may be used as the minimum design criteria; however, the use of WSDOT standards is encouraged

where feasible. On managed access highways within the limits of incorporated cities and towns, the cities or towns have full responsibility for design elements outside of curb, or outside the paved shoulder where no curb exists, using the *City and County Design Standards*.

**4. Chapter 640**

640.01, *General*, replace the third paragraph with the following:

When a state highway within an incorporated city or town is a portion of a city street, the design features must be developed in cooperation with the local agency. On managed access highways within the limits of incorporated cities and towns, the cities or towns have full responsibility for design elements outside of curb, or outside the paved shoulder where no curb exists, using the *Local Agency Guidelines*, M 36-63. Medians are considered to be within the curb. For city streets and county roads that are not part of the state highway system, use Chapter 468-18 WAC, *City/County Project Coordination* and the *Local Agency Guidelines*, M 36-63.

**5. Chapter 700**

Refer to *Design Manual Supplement – Design Clear Zone*, dated November 1, 2002 for additional guidance on projects on managed access highways within incorporated limits of cities and towns.

**B. Revisions to the *Local Agency Guidelines*, M 36-63**

**1. Chapter 43.1, *General Discussion***

Insert the following paragraph after the fourth paragraph:

For projects on managed access state highways within the incorporated limits of cities and towns, *City and County Design Standards* apply to areas outside the curb or outside the paved shoulder where no curb exists. WSDOT design requirements apply to the curbs and the entire area between the curbs (including raised medians), or between the outside edges of paved shoulder where no curb exists.

**IV. References**

Chapter 35.78 RCW, *Streets -- Classification and design standards*

Chapter 468-18 WAC, *City/County Project Coordination*

RCW 47.24.020(2), *Jurisdiction, control*

WSDOT Manual M 22-01, *Design Manual*

WSDOT Manual M 36-63, *Local Agency Guidelines*

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Washington State Department of Transportation  
*Design Manual* Supplements and Instructional Letters  
January 2003

In Effect	Chapter	Date	Type	Subject/Title
Yes	1050	9/28/99	DM Supplement	Left-Side HOV Direct Access Connections
Yes	HOV*			
No	940			
Yes	1050	05/03/00	DM Supplement	Left-Side HOV Parallel On-Connection
Yes	HOV*			
Yes	700	11/15/01	DM Supplement	Median Barrier Guidelines
Yes	650	10/09/02	DM Supplement	Stopping Sight Distance
Yes	700	11/01/02	DM Supplement	Design Clear Zone
Yes	325	01/22/2003	Instructional Letter 4053.00	Jurisdiction Over State Highways Within Cities
Yes	330			
Yes	440			
Yes	640			
Yes	700			

\* The *HOV Direct Access Design Guide*, Draft M 22-98

Notes:

- Changes since the last revision to the *Design Manual* are shown in bold print.
- Items with **No** in the **In Effect** column were superseded by the latest revision and will be dropped from the next printing of this list.
- The listed items marked *yes* have been posted to the web at the following location:  
<http://www.wsdot.wa.gov/fasc/engineeringpublications/Design/DesignLetter.pdf>